



01-13-06

THW 2642

Practitioner's Docket No. 13429-40254

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: JAMES M. CARTER

Application No.: 09/898,648

Group No.: 2642

Filed: 07/03/2001

Examiner: CHANG, JACK

For: CARRIER WITH BUILT-IN AMPLIFICATION FOR PERSONAL AUDIO DEVICE

## Mail Stop Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

REPLY TO NOTICE OF NON-COMPLIANT AMENDMENT  
(37 CFR 1.121)

1. Transmitted herewith is Response to Office Action of August 30, 2005 in the format required by 37 CFR 1.121. This Response is being provided pursuant to Notice of Non-Compliant Amendment dated 12/21/2005.

## STATUS

2. Applicant is a small entity. A statement was already filed.

## EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant believes that no extension of term is necessary. ..

## CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\*

(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

## MAILING

☒ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

☐ with sufficient postage as first class mail.

37 C.F.R. § 1.10\*

☒ as "Express Mail Post Office to Addressee"Mailing Label No. EL12594852745 (mandatory)

## TRANSMISSION

☐ facsimile transmitted to the Patent and Trademark Office, (703) \_\_\_\_\_

Signature

Date:

11 January 2006Dinah Hooker  
(type or print name of person certifying)

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

If Applicant is mistaken and an extension of time pursuant to 37 CFR 1.136(a) is required, then please charge the necessary extension fee to our Deposit Account, 18-1754.

#### FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

	(Col. 1)	(Col. 2)	(Col. 3)	SMALL ENTITY			
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDIT. FEE		
TOTAL	15	— 20	= 0	x \$ 25.00	= \$	0.00	
INDEP.	5	— 5	= 0	x \$ 100.00	= \$	0.00	
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				+ \$ 0.00	= \$	0.00	
				TOTAL ADDIT. FEE	\$	0.00	

No additional fee for claims is required.

#### FEE PAYMENT

5. Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

#### FEE DEFICIENCY

6. If an extension fee is required, charge Account No. 18-1754.

If an additional fee for claims is required, charge Account No. 18-1754.

Date: 01/11/06

DeWitt M. Morgan  
DeWitt M. Morgan  
Registration No. 26488  
Rodey Dickason Sloan Akin & Robb P.A.  
P.O. Box 1888  
Albuquerque, NM 87103-1888  
505-765-5900  
Customer No. 26257



Practitioner's Docket No. 13429-40254

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: James M. Carter

Application No.: 09/898,648

Art Unit: 2642

Filed: July 3, 2001

Examiner: Chiang, Jack

For: CARRIER WITH BUILT-IN AMPLIFICATION FOR PERSONAL AUDIO  
DEVICE

**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

**RESPONSE TO OFFICE ACTION OF AUGUST 30, 2005**

In response to the Office Action of August 30, 2005, Applicant submits the  
following: